

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NANCY RINEHART, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

**AS AMERICA, INC. AND SAFETY TUBS
COMPANY, LLC,**

Defendants.

Case No. 3:16-cv-05128-MAS-LHG

**MOTION FOR LEAVE FROM
COURT'S ORDER REQUIRING
NAMED PLAINTIFF TO APPEAR
AT FINAL APPROVAL HEARING**

Plaintiff Nancy Rinehart ("Plaintiff" or "Rinehart") hereby respectfully requests that the Court excuse her from appearing at the August 3, 2018 Final Approval Hearing.

In support, Plaintiff states as follows:

1. On March 26, 2018, the Court granted Preliminary Approval of the Parties' Class Action Settlement. (Dkt. 24.)
2. In doing so, the Court set a "Final Approval Hearing, with class representative present" for August 3, 2018 at 11:00 a.m.
3. Plaintiff respectfully requests leave from the Court's Order requiring her to appear at the Final Approval Hearing.
4. Ms. Rinehart resides in Lincoln, Nebraska and appearing at the Final Approval Hearing would be a significant expense and inconvenience.
5. While Ms. Rinehart has kept herself abreast of the litigation and settlement and has done an exemplary job of representing the Settlement Class Members, her physical appearance at the Final Approval Hearing will have minimal, if any, bearing on whether the Settlement Agreement—which provides a \$600,000 Fund to 384 Settlement Class Members plus

strong prospective relief—is fair, reasonable, and adequate as those terms are defined by relevant Rules and case law.

6. Alternatively, Plaintiff requests that she be permitted to appear telephonically. This would help avoid the costs of travel and lodging associated with appearing at the hearing.

7. Counsel for Defendants advised that Defendants take no position on this request.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order excusing Rinehart from appearing at the Final Approval Hearing.

Respectfully Submitted,

NANCY RINEHART, individually and on behalf
of all others similarly situated,

Dated: May 10, 2018

By: /s Stefan Coleman
One of Plaintiff's Attorneys

Stefan Coleman
Law Offices of Stefan Coleman, P.A.
1072 Madison Ave, Suite 1
Lakewood, NJ 08701
law@stefancoleman.com
(877) 333-9427

Steven L. Woodrow*
Patrick H. Peluso*
Woodrow & Peluso, LLC
3900 East Mexico Ave., Suite 300
Denver, Colorado 80210
Tel: (720) 213-0675
Fax: (303) 927-0809
Email: swoodrow@woodrowpeluso.com
ppeluso@woodrowpeluso.com

*Pro Hac Vice

Counsel for Plaintiff and the Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 10, 2018, I served the above and foregoing papers by causing such paper to be filed with the Court using the Court's electronic filing system, which will send copies of such paper to all counsel of record.

/s/ Stefan Coleman